HOGAN et al
Serial No. 10/068,001

Atty Dkt: 2380-604
Art Unit: 2684

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS RESPONSE

By the current response, Applicants basically:

1. Thank the Examiner for allowance of claims 42 – 53 and the indication of allowable subject matter in claims 5-14, 17-19, 58-65, 70 and 72.
2. Respectfully traverse all prior art rejections.

B. PATENTABILITY OF THE CLAIMS

Claims 1-4,15-16, 54-57, 66-69 and 71 stand rejected under 35 USC §103(a) as being anticipated by U.S. Patent 5,862,480 to Wild et al in view of U.S. Publication 2002/0089929 to Tallegas et al. All prior art rejections are respectfully traversed for at least the following reasons.

According to the disclosure of the captioned application, Applicants broadcast an "access group eligibility message" broadcast in a cell, thereby permitting a user equipment unit (UE) to make its own determination whether the UE can have access in the cell. In an illustrated, example embodiment, the access group eligibility message is a list of access groups that are eligible to be accessed by ***any*** mobile (once the mobile is a member of one of those access groups) in a certain cell. The user equipment unit itself makes the comparison between (1) the access groups to which it belongs and (2) the access groups that are eligible in that cell.

By contrast, in U.S. Patent 5,862,480 to Wild et al the network gets a request from the mobile station, and the network makes an access decision and then tells the mobile stations, ***one to one,*** whether the mobile station is eligible to access the network.

Applicants advantageously do not need the extra signalling between a user equipment unit and network as is required by U.S. Patent 5,862,480 to Wild et al.

Independent claims 1 and 54 remain rejected, despite the clear fact that these claims distinguish over U.S. Patent 5,862,480 to Wild et al by virtue, e.g., of the user equipment unit rather than the network making the access decision. Applicants below address and defuse various allegations of the Office Action concerning the rejected claims and the applied references.

The Office Action states:

> "Regarding claim 1 Wild teaches a telecommunications network which transmits in a broadcast channel over an air interface (col 2 lines 14-27, col 4 lines 10-21), an access group eligibility message which enables a user equipment unit which receives the access group eligibility message to make a determination whether the user equipment unit is eligible to operate in a cell for which the access group eligibility message is transmitted (col 2 lines 14-27, col 4 lines 10-21).

Applicants vigorously disagree. Column 2, lines 14-27, of Wild refer to a Van Heuvel patent. Van Heuvel broadcasts a message to multi-mode communications units, indicating saying which networks are available, and allowing the multi-mode communication unit to try to choose one of those networks. The Van Heuvel procedure is like, for example: (1) broadcasting to a multi-mode mobile phone an indication that there are plural networks in an area (e.g., a GSM network, a sattelite network, and a CDMA network); (2) the mobile responding with a preference for the satellite network; (3) the mobile's request then being forwarded to the satellite network; (4) the satellite network making a determination whether access by this mobile phone is permitted; (5) communicating the fact of access permission or not to the mobile; and (6) the mobile subsequently accessing the satellite network. This type of scenario is not relevant to

claims that require broadcasting a message with access groups in a cell, and allowing a user equipment unit to make the access permission determination for itself by reading the broadcast information.

Further, the column 4, lines 10-21 passage of Wild, again refer to the network making the decision, which is inapplicable to the present claims. Nowhere does Wild provide or even suggest an access group eligibility message being transmitted to a user equipment unit, and there is no determination of eligibility in a Wild mobile station based on broadcast access group eligibility information.

The Office Action properly admits deficiencies of U.S. Patent 5,862,480 to Wild et al, but attempts an improper and unavailing combination with U.S. Publication 2002/0089929 to Tallegas et al, alleging that

> Tallegas teaches the determination involving a comparison of access group eligiblility information transmitted in the access group message and an access group classification (paragraph 0003, 0010, 0078) which is stored at the user equipment (abstract paragraph 0030). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the determination involving a comparison of access group eligibility information transmitted in the access group message and an access group classification which is stored at the user equipment as taught by Tallegas with Wild teaching in order to compared against one or more bandwidth contracts defined for the policeable groups to produce one or more policing results.

Applicants now show that the cited paragraphs of Tallegas are inapplicable:

- Tallegas paragraph 0003 mentions the existing method of rate policing in packet networks by classifying a packet into a single policy group and comparing against bandwidth contracts defined for that policy group.

- Tallegas paragraph 0010 refers to a policing engine that classifies a packet into a plurality of policeable groups. The packet is compared for the respective ones of the policeable groups against respective ones of bandwidth contracts to produce respective ones of policing results.

- Tallegas paragraph 0078 refers to comparing packets within a flow against one or more bandwidth contracts defined for the flow to resolve whether to (i) admit the packet without conditions, (ii) admit the packet without conditions or (iii) Discard the packet.

None of the Tallegas' paragraphs cited in the Office Action pertain to Applicants' claims. By citing these paragraphs the Office Action seems to contend that the act of classifying something into groups, and comparing with something else connected with those groups to make some sort of a decision, is not patentable. The Office Action overlooks how the Tallegas' comparison is made, as well as the totally dissimilar field of art from which Tallegas was drawn.

Concerning the Tallegas' comparison, all such Tallegas' comparisons and classifications are performed within one network. As stressed previously, Applicants' determination is made at the user equipment unit, providing the decreased signaling benefit already mentioned above.

Regarding non-analogous art, and the impropriety of the combination with U.S. Patent 5,862,480 to Wild et al, Tallegas hails from a completely unrelated area of packet processors, not wireless mobile telecommunications. The problems solved (e.g., reduced network signaling) and technology involved in Applicants' telecommunication endeavor is entirely different.

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Further patentable merit also resides in numerous dependent claims which have been rejected. Applicants reserve the right to expound such merit further in the future, but indeed hope that the manifest patentability of all pending claims is now clear and that an entirely favorable Office Action will now result.

C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,
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